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House of Commons Debates

FOURTH SESSION—SIXTH PARLIAMENT.

SPEECH OF HON. EDWARD BLAKE, M.P.,

ON

ROYAL ASSENT TO BILLS.

FRIDAY, 28TH MARCH, 1890.

Mr. BLAKE. I wish to call the attention of the Ministers and the House to a question of parliamentary privilege which arises on the proceedings that took place here and in the other House on Wednesday, and I call attention to it at the earliest moment after the Votes and Proceedings have been placed before us. By referring to those Votes and Proceedings, it will be seen that you, Sir, reported to us a Message which you received from the secretary of His Excellency the Governor General, bearing date 24th March, informing us that :

"The Honorable Sir William Ritchie, acting as Deputy to His Excellency the Governor General, will proceed to the Senate Chamber on Wednesday, the 28th inst., at 4 o'clock in the afternoon, for the purpose of giving assent to the Bills which have passed the Senate and the House of Commons during the present Session."

And at a subsequent period, after the members of this House had attended the Senate, you reported to us that His Honor the Deputy Governor had been pleased to give assent, in Her Majesty's name, to certain Bills, numbering thirty-two or thirty-three. At the moment I thought that these did not comprise all the Bills passed during the present Session up to that time, and upon further enquiry I find there are several important Bills omitted—about seventeen altogether on which no action whatever was taken. The constitutional rule of old standing is that to all Bills which have passed through all the stages, and are, as far as the two Houses are concerned, ready to become law, the Royal Assent is due and should be given on the first occasion on which it is given to any Bills. A prominent and marked instance of a violation of this rule was one which occurred in the time of the first Charles, in the Session prior to the

Oxford Parliament, when it formed the subject of a conference by a joint committee of both Houses. This conference agreed on the general principle, which is well understood, that the Royal Assent is due to all Bills which have passed both Houses; and the modern practice in England is, owing to the length of the Sessions, to have numerous commissions during a long Session for the purpose of giving Royal Assent to Bills, from time to time, as they are ripe for assent. These English commissions are limited. The Commissioners are given power to assent to only certain named Bills, and, consequently, they can assent to no others. Therefore, to avoid the inconvenience and breach of the constitutional rule which might arise should a fresh Bill become ripe for assent in the few days between the appointment of the commission and the Royal Assent, it is the custom of both Houses not to press forward any such measures to the final stage in that interval. They are kept incomplete, in order that there may be no other Bill ready for assent on the day when the Royal Assent is given to the Bills named. It seems to me there has been, for some cause which I do not understand, and will not attempt to characterise, a violation of the ancient and wholesome constitutional rule on this occasion; for which violation, of course, the Ministers who are responsible to the Crown, and to the people, must answer to us. I now merely bring this question before the House without further action; and it seems to me it is important for us to consider whether we should not assert by resolution the constitutional rule, so that this infringement may not be drawn into a precedent.